

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:09-cr-00431-GMN-EJY

Plaintiff,

ORDER

v.

DEVALOIS LeBRON,

Defendant.

On June 26, 2020, this Court entered an Order as follows:

On December 9, 2019, Defendant Devalois LeBron appeared before the Court for his Initial Appearance on a Petition for Revocation of Supervised Release. Counsel for Defendant requested a continuance as an investigation into potential placement in a mental health facility was conducted. On December 11, 2019, the Court ordered Defendant to be transported to a suitable Bureau of Prisons facility for a psychiatric or psychological evaluation as no local facility was available to house or treat Defendant. ECF No. 103. On February 3, 2020, the Bureau of Prisons requested an extension of time, to March 30, 2020, to provide a report regarding Defendant. The request was granted. On June 22, 2020, the Bureau of Prisons reported that Defendant was still "in-process . . . as a result of the COVID-19 pandemic outbreak," which has caused significant delays. The Bureau of Prisons further reported that they are making all efforts and expediting Defendant's evaluation as much as possible, which the Court does not doubt. However, with no future status report or other deadline set by the Court, the Court is concerned that Defendant's evaluation may continue to be delayed for a significant period of time.

Accordingly, IT IS HEREBY ORDERED that, absent a request for reasonable additional time to complete Defendant's evaluation and provide a report regarding the same to this Court, the U.S. Department of Justice, Federal Bureau of Prisons, Metropolitan Detention Center shall complete Defendant's evaluation and provide a report to this Court regarding the same no later than July 31, 2020.

As of the date of this Order, no report has been received. Instead, the Court just received notice that the June 26, 2020 Order requiring production of the report by end of day on July 31, 2020 would not be met. The reason given for the failure to comply with the deadline set by the Court's Order was that the completed report would not be "back from review until early next week." This reason, as stated in an email, did not indicate when the report would be made available to the Court. That is a serious concern.

1 Defendant has now been in custody over seven (7) months waiting for a psychiatric or
2 psychological evaluation from the Bureau of Prisons. His detention commenced more than two
3 months before COVID-19 became a concern for the Bureau of Prisons. Even with COVID-19, there
4 is simply no reason the Court can imagine why the evaluation of Defendant could not be completed
5 and produced within the more than seven (7) month period that has elapsed.

6 Therefore, the Court grants one last extension of time to the Bureau of Prison to complete
7 the psychiatric or psychological evaluation of Defendant and provide the same to the Court. This
8 extension is through and including 5 p.m., Monday, August 10, 2020 (eight (8) months after the
9 initial order). If the psychiatric or psychological evaluation of Defendant is not received by that date
10 and time, the Court may issue an Order to Show Cause why the Bureau of Prisons should not be held
11 in contempt.

12 IT IS SO ORDERED.

13 Dated this 30th day of July, 2020
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16 ELAYNA J. YOUCHAH
17 UNITED STATES MAGISTRATE JUDGE
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